

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE ADULT FILM COPYRIGHT)
INFRINGEMENT LITIGATION)
)
This Document Relates to)
)
v.)
)
11 Civ. 7564 (KBF))
11 Civ. 7999 (KBF))
11 Civ. 8172 (KBF))
11 Civ. 9550 (KBF))
11 Civ. 9618 (KBF))
11 Civ. 9688 (KBF))
11 Civ. 9689 (KBF))
11 Civ. 9703 (KBF))
11 Civ. 9705 (KBF))
11 Civ. 9706 (KBF))
12 Civ. 0129 (KBF))
12 Civ. 1077 (KBF))
12 Civ. 1169 (KBF))
)

**PLAINTIFFS' SECOND APPLICATION PURSUANT TO RULE 4(m)
FOR ENLARGEMENT OF TIME TO SERVE DEFENDANTS**

Plaintiffs in this consolidated case filed Complaints against John Does who have traded the same identical file of Plaintiffs' copyrighted works without authorization through a file-swapping network ("Peer-to-Peer" or "P2P" network). All John Does listed in the Complaints have traded the exact same file of the respective motion pictures, as identified by the hash marks of the files, and reside in New York.

On March 26, 2012, this Court issued an order that Plaintiffs must serve defendants no later than May 25, 2012 [Document 37]. Plaintiffs are now requesting an additional 30 days to serve individual defendants with summons. The reason is that on May 17, 2012, this Court, based on a request by counsel for Plaintiffs, issued an order directing Plaintiffs to "ask the Doe

defendants ... whether they requested to proceed anonymously within 30 days of receiving a notice letter from their Internet Service Provider.” [Document 61, page 2].

Plaintiffs have reviewed all cases, settled with some John Does, and decided not to proceed against certain other John Does for a variety of reasons. The reasons for not proceeding against John Does include: (i) the John Does are wireless phone service customers who were traveling through New York when the alleged download occurred; (ii) the John Does could not be found; and (iii) the John Does presented credible defenses or other good reasons why they should not be named defendants in this case. For example, one dismissed John Doe was an impaired individual subject to social service supervision.

Plaintiffs notified the 122 remaining John Does by letter (priority mail with delivery confirmation) on May 22, 2012 of the Court Order of May 17, 2012. A copy of Plaintiffs’ letter is attached as Exhibit 1.

In order to give the John Does time to respond, Plaintiffs are requesting an enlargement of 30 days to serve individual John Does.

Finally, because of certain practices of other law firms that have been criticized in court decisions, Plaintiffs’ counsel would like to note that (i) he personally conducts all communications with John Does and their attorneys; (ii) Plaintiffs’ counsel does in fact investigate any defenses presented by John Does; (iii) Plaintiffs’ counsel is independent and does not belong to any law firm that may represent the same Plaintiffs in other proceedings. Many production studios use different lawyers and different data providers for enforcing their copyrights nationwide.

AN EXTENSION OF TIME SHOULD BE GRANTED UNDER RULE 4(m)

With respect to Rule 4(m), it states in pertinent part,

"If a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."

Plaintiffs have shown good cause. Plaintiffs have served the Court's order upon the John Does who may be named individually, and require time to hear back from the John Does.

CONCLUSION

In view of the foregoing, Plaintiffs request that the Court enlarge the time for Plaintiffs to serve individual defendants by 30 days from the date of the granting of this application.

Respectfully submitted this 24th day of May, 2012.

FOR THE PLAINTIFF:

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CERTIFICATE OF SERVICE

I hereby certify that on 24 May 2012, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system.

FOR THE PLAINTIFF:

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